

## **REMARKS**

**[0003]** Applicant respectfully requests reconsideration and allowance of all of the claims of the application. Claims 1-18, 20-55, 65-66 and 75-78 are presently pending. Claims 1, 7-13, 16-17, 20-23, 33, 37-38, 45, 51, 65, and 75-78 are amended. Claims 19, 56-64 and 67-74 are cancelled herein. No new claims have been added herein.

### **Formal Request for an Interview**

**[0004]** If the Examiner's reply to this communication is anything other than allowance of all pending claims, then I formally request an interview with the Examiner. I encourage the Examiner to call me—the undersigned representative for the Applicant—so that we can discuss this matter so as to resolve any outstanding issues quickly and efficiently over the phone.

**[0005]** Please contact me to schedule a date and time for a telephone interview that is most convenient for both of us. While email works great for me, I welcome your call as well. My contact information may be found on the last page of this response.

### **Claim Amendments**

**[0006]** Without conceding the propriety of the rejections herein and in the interest of expediting prosecution, Applicant amends claims 1, 7-13, 16-17, 20-23, 33, 37-38, 45, 51, 65, and 75-78 herein. Applicant amends claims to clarify claimed features. Such amendments are made to expedite prosecution and to more quickly identify allowable subject matter. Such amendments are merely

intended to clarify the claimed features, and should not be construed as further limiting the claimed invention in response to the cited references.

## **Substantive Matters**

### **Claim Rejections under §102 and §103**

**[0007]** The Examiner rejects claim 75 under 35 U.S.C. §102(a) as being anticipated by U.S. Patent Application Publication No. 2002/0056098 to White. For the reasons set forth below, the Examiner has not shown that cited references anticipate the rejected claims.

**[0008]** In addition, the Examiner rejects claims 1-74 and 76-78 under 35 U.S.C. §103(a) as being unpatentable over various combinations of relied upon references. For the reasons set forth below, the Examiner has not made a prima facie case showing that the rejected claims are obvious.

**[0009]** The Examiner's rejections are based upon the following references alone in various combinations:

- **White:** *White*, US Patent Publication No. 2002/0056098 (published May 9, 2002);
- **Proehl:** *Proehl, et al.*, US Patent Publication No. 2005/0204389 (published September 15, 2005);
- **Kandasamy:** *Kandasamy, et al.*, US Patent Publication No. 2004/0187164 (published September 23, 2004);
- **Sampson:** *Sampson, et al.*, US Patent No. 5,802,499 (issued September 1, 1998); and

- **Couchot:** *Couchot, et al.*, US Patent Publication No. 2004/0243717 (published December 2, 2004).

### **Overview of the Application**

[0010] The Application describes a technology for an on-line personalized electronic program guide that utilizes TV tags in a web environment to enable users to spontaneously and easily submit program preferences to an on-line database. The TV tags are juxtaposed with television programming information that a user may encounter during normal web surfing.

### **Cited References**

[0011] The Examiner cites numerous references in rejecting the originally submitted claims. Specifically, the Examiner relies upon the following references:

#### **Proehl**

[0012] Proehl describes a technology for representing programming content in an Electronic Program Guide (EPG) through graphics accessed from a hard drive of a set top box. A user is able to select a program's name or logo, still shots from selected programs, short video clips related to a selected program or advertisements related to the selected program. (See Abstract).

White

[0013] White describes a technology for a web browser system for displaying recently viewed television channels. Specifically, the system and methods described provide a way to display images of recently viewed television channels for a user's convenience.

Kandasamy

[0014] Kandasamy describes a method and apparatus for selecting television programs for recording and remotely transmitting control information to a recording device to record a selected television program.

Sampson

[0015] Sampson describes a technology for providing credit support to parties associated with derivative and other financial transactions.

Papagan

[0016] Papagan describes a technology for linking media content for interactive broadcast over a network.

### Couchot

Couchot describes a technology for translating between disparate data object models.

## **Anticipation Rejections**

[0017] Applicant submits that the anticipation rejections are not valid because, for each rejected claim, no single reference discloses each and every element of that rejected claim as the claim is presently amended.<sup>1</sup> Furthermore, the elements disclosed in the single reference are not arranged in the manner recited by each rejected claim as the claim is presently amended.<sup>2</sup>

### **Based upon White**

[0018] The Examiner rejects claims 75 under 35 U.S.C. § 102(b) as being anticipated by White. Applicant respectfully traverses this rejection. Based on the reasons given below, Applicant asks the Examiner to withdraw the rejection of these claims.

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<sup>1</sup> "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); also see MPEP §2131.

<sup>2</sup> See *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

## **Independent Claim 75**

[0019] Applicant submits that White does not anticipate this claim as presently amended because it does not disclose the following elements as recited in this claim (with emphasis added):

- **"receive an indication of a viewer login"**
- "perform the associated action with reference to the associated television entertainment data element, **wherein performance of the associated action adds data associated with the entertainment data element to a list associated with the viewer**"

[0020] The Examiner indicates (Action, p. 4) the following with regard to this claim:

12. **Claim 75** is rejected under 35 U.S.C. 102(b) as being anticipated by White (US Publication Number 2002/0056098).

Regarding **claim 75**, White discloses one or more computer-readable media comprising computer-executable instructions that, when executed, direct a computing system to (see fig 5):

receive an indication of a viewer selection of a TV tag (see cited portion, but not limited to paragraphs 0046-0051, the TV tags of fig 8 can be selected by a viewer and displayed in a display area as shown in fig 7), the TV tag being rendered with other web-based content, the TV tag having an associated television entertainment data element and an associated action (see cited portion, but not limited to fig 8 (88) and paragraph 0046 and 0062); and

perform the associated action with reference to the associated television entertainment data element (see paragraph 0050).

[0021] White does not anticipate independent claim 75 because White fails to disclose "receiv[ing] an indication of a viewer login" and adding "data associated with the entertainment data element to a list associated with the viewer" upon performance of the associated action. White fails to disclose a "viewer login" and a "list associated with the viewer". Consequently, White does not disclose all of the elements and features of this claim. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

## **Obviousness Rejections**

### **Lack of *Prima Facie* Case of Obviousness (MPEP § 2142)**

[0022] Applicant disagrees with the Examiner's obviousness rejections. Arguments presented herein point to various aspects of the record to demonstrate that all of the criteria set forth for making a prima facie case have not been met.

### **Independent Claim 1**

[0023] Applicant submits that combination of Proehl and White does not teach or suggest at least the following elements as recited in this claim as presently amended (with emphasis added):

rendering simultaneous with the web-based content, a TV tag,  
wherein the TV tag comprises:

an associated data element that is associated  
with at least a portion of the data that describes a

television broadcast schedule, wherein a portion of the data that describes the television broadcast schedule that is contextually relevant in relation to the web-based content is displayed via the TV; and

**a plurality of associated actions;**

receiving an indication of a viewer selection of the TV tag, wherein the **selection of the TV tag launches a display of an input area whereby users can indicate selection of at least one of the plurality of associated actions**

**[0024]** The Examiner indicates (Action, p. 9 in rejecting dependent claim 20) the following with regard to these claim elements:

Regarding **claim 20**, Proehl et al. and White discloses everything claimed as applied above (see *claim 1*). However, Proehl et al. fail to specifically disclose the method further comprising: receiving an indication of a viewer selection of the TV tag; and performing an action that is associated with the TV tag.

White discloses the method further comprising: receiving an indication of a viewer selection of the TV tag (see fig 8 (88) and paragraph 0048 and 0062); and performing an action that is associated with the TV tag (see paragraph 0050).

**[0025]** Paragraph [0050] of White states in its entirety:

[0050] Using the direction control buttons 15-18 on remote control unit 11, the user can move the highlight box 88 from one small



display screen to another. As the highlight box 88 surrounds a particular display screen, that display screen becomes active, and the previously highlighted screen becomes de-selected and shows the last image captured on that channel. Once a small screen becomes active 86, the user can change the channels displayed within the active small screen using the channel up/down buttons 39 on the remote control 11.

**[0026]** The cited art fails to teach or suggest to one of ordinary skill in the art "rendering...a TV tag...comprising [in part]: ... a plurality of associated actions" and "receiving an indication of a viewer selection of the TV tag, wherein the selection of the TV tag launches a display of an input area whereby users can indicate selection of at least one of the plurality of associated actions." (See claim 1). Support for the inclusion of these elements and features can be found at least at page 9, lines 16-19 of the present application.

**[0027]** As can be seen from reading the cited section of White, White does not clearly teach an action being associated with the TV tag. Instead White teaches a highlighting box 88 that surrounds a particular display that can be moved between small display screens. Actions, as used in the present application generally add data associated with an indicated broadcast of a program to a personalized list. (See Application, page 9, lines 10-15). Examples of these actions include, but not limited to (See Figures 4-8):

- "Add this Episode" to a TV Planner
- "Add all Episodes" to my TV Planner

- "Add only new Episodes" to my TV Planner
- "Add this Airing" to my TV Planner
- Etc...

**[0028]** Clearly the highlighting of a display screen when it becomes active is not an "associated action" as used in the present application. In an attempt to further distinguish claim 1 from the cited art, Applicant has amended claim one to clarify that the TV Tag comprises "a plurality of associated actions". As White does not teach or suggest a single action associated with a TV Tag, White cannot teach or suggest multiple actions associated with a TV Tag.

**[0029]** Additionally, the cited art fails to teach or suggest "receiving an indication of a viewer selection of the TV tag, wherein the selection of the TV tag launches a display of an input area whereby users can indicate selection of at least one of the plurality of associated actions" as cited in claim 1. The Examiner admits that Proehl fails to teach or suggest "receiving an indication of a viewer selection". (See Action, page 9). The inclusion of White fails to rectify the failure of Proehl.

**[0030]** White teaches a highlighting box 88 that surrounds and indicates that a selected display screen is active. (See paragraphs [0048, [0050], and [0062]). The selection by the viewer of the small display screen then allows the user to change channels within the small display screen. (See paragraph [0050]). There is no indication or suggest within White that the "selection of the TV tag ... launches a display of an input area whereby users can indicate selection of at least one of the plurality of associated actions."

[0031] As shown above, the combination of Proehl and White does not teach or suggest all of the elements and features of this claim. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

### **Dependent Claims 2-18 and 20-25**

[0032] These claims ultimately depend upon independent claim 1. As discussed above, claim 1 is allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

### **Independent Claim 26**

[0033] Applicant submits that combination of Proehl and White does not teach or suggest at least the following elements as recited in this claim as presently amended (with emphasis added):

rendering along with the content, a selectable TV tag, wherein  
the TV tag comprises:

a plurality of associated actions; and

an associated data element;

receiving an indication of a viewer selection of the TV tag,  
wherein the selection of the TV tag launches a display of an

input area whereby users can indicate selection of at least one of the plurality of associated actions; and

performing the at least one selected associated actions in relation to the associated data element based on the selection of the TV tag

**[0034]** The cited art, namely Proehl and White, fails to teach or suggest a TV tag that comprises at least in part "a plurality of associated actions", "receiving an indication of a viewer selection of the TV tag, wherein the selection of the TV tag launches a display of an input area whereby users can indicate selection of at least one of the plurality of associated actions" and "performing the at least one selected associated actions in relation to the associated data element based on the selection of the TV tag" as claimed in claim 26.

**[0035]** As discussed previously with regard to independent claim 1, the cited art fails to teach or suggest a TV tag that comprises at least in part "a plurality of associated actions" and "receiving an indication of a viewer selection of the TV tag, wherein the selection of the TV tag launches a display of an input area whereby users can indicate selection of at least one of the plurality of associated actions". As the combination of art fails to teach to teach "launching a display input area where users can indicate selection of ... [an] action" it is to be reasoned that the cited art would then also fail to teach or suggest "performing [the] actions ... based on the selection of the TV tag" as claimed in claim 26. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

## **Dependent Claims 27-32**

[0036] These claims ultimately depend upon independent claim 26. As discussed above, claim 26 is allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

## **Independent Claim 33**

[0037] Applicant submits that combination of Proehl and White does not teach or suggest at least the following elements as recited in this claim as presently amended (with emphasis added):

rendering along with the article, a selectable TV tag that is  
associated with the particular television program, wherein the  
TV tag comprises;

a plurality of associated actions; and

an associated data element;

receiving an indication of a viewer selection of the TV tag,  
wherein the selection of the TV tag launches a display of an  
input area whereby users can indicate selection of at least one  
of the plurality of associated actions;

[0038] As discussed previously with regard to independent claim 1, the cited art fails to teach or suggest a TV tag that comprises at least in part "a

plurality of associated actions” and “receiving an indication of a viewer selection of the TV tag, wherein the selection of the TV tag launches a display of an input area whereby users can indicate selection of at least one of the plurality of associated actions” as presently claimed in claim 33. Applicant respectfully requests that the Examiner withdraw the rejection of independent claim 33.

### **Dependent Claims 34-36**

[0039] These claims ultimately depend upon independent claim 33. As discussed above, claim 33 is allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

### **Independent Claim 37**

[0040] Applicant submits that combination of Proehl and White does not teach or suggest at least the following elements as recited in this claim as presently amended (with emphasis added):

rendering along with the content, a selectable TV tag that is associated with the particular movie, wherein the TV tag comprises;

a plurality of associated actions; and

an associated data element;

receiving an indication of a viewer selection of the TV tag, wherein the selection of the TV tag launches a display of an input area whereby users can indicate selection of at least one of the plurality of associated actions;

**[0041]** As discussed previously with regard to independent claim 1, the cited art fails to teach or suggest a TV tag that comprises at least in part “a plurality of associated actions” and “receiving an indication of a viewer selection of the TV tag, wherein the selection of the TV tag launches a display of an input area whereby users can indicate selection of at least one of the plurality of associated actions” as presently claimed in claim 37. Applicant respectfully requests that the Examiner withdraw the rejection of independent claim 37.

#### **Dependent Claims 38-44**

**[0042]** These claims ultimately depend upon independent claim 37. As discussed above, claim 37 is allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

#### **Independent Claim 45**

**[0043]** Applicant submits that combination of Proehl and White does not teach or suggest at least the following elements as recited in this claim as presently amended (with emphasis added):

rendering along with the content, a selectable TV tag that is associated with the particular person, wherein the TV tag comprises;

a plurality of associated actions; and

an associated data element;

receiving an indication of a viewer selection of the TV tag, wherein the selection of the TV tag launches a display of an input area whereby users can indicate selection of at least one of the plurality of associated actions;

**[0044]** As discussed previously with regard to independent claim 1, the cited art fails to teach or suggest a TV tag that comprises at least in part “a plurality of associated actions” and “receiving an indication of a viewer selection of the TV tag, wherein the selection of the TV tag launches a display of an input area whereby users can indicate selection of at least one of the plurality of associated actions” as presently claimed in claim 45. Applicant respectfully requests that the Examiner withdraw the rejection of independent claim 45.

### **Dependent Claims 46-50**

**[0045]** These claims ultimately depend upon independent claim 45. As discussed above, claim 45 is allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.



## **Independent Claim 51**

**[0046]** Applicant submits that combination of Proehl and White does not teach or suggest at least the following elements as recited in this claim as presently amended (with emphasis added):

rendering along with the content, a selectable TV tag that is associated with the particular sport, wherein the TV tag comprises;

a plurality of associated actions; and

an associated data element;

receiving an indication of a viewer selection of the TV tag, wherein the selection of the TV tag launches a display of an input area whereby users can indicate selection of at least one of the plurality of associated actions;

**[0047]** As discussed previously with regard to independent claim 1, the cited art fails to teach or suggest a TV tag that comprises at least in part “a plurality of associated actions” and “receiving an indication of a viewer selection of the TV tag, wherein the selection of the TV tag launches a display of an input area whereby users can indicate selection of at least one of the plurality of associated actions” as presently claimed in claim 51. Applicant respectfully requests that the Examiner withdraw the rejection of independent claim 51.

## **Dependent Claims 52-55**

[0048] These claims ultimately depend upon independent claim 51. As discussed above, claim 51 is allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

## **Independent Claim 65**

[0049] Applicant submits that combination of Proehl and White does not teach or suggest at least the following elements as recited in this claim as presently amended (with emphasis added):

a network interface to receive viewer personalization data based on viewer-selection of a TV tag embedded in web-based media content, wherein the TV tag comprises a plurality of associated actions and an associated data element that upon selection a display of an input area is launched whereby users can indicate selection of at least one of the plurality of associated actions

[0050] As discussed previously with regard to independent claim 1, the cited art fails to teach or suggest a TV tag that comprises at least in part “a plurality of associated actions” and “upon selection a display of an input area is launched whereby users can indicate selection of at least one of the plurality of associated actions” as presently claimed in claim 65. Applicant respectfully requests that the Examiner withdraw the rejection of independent claim 65.

## **Dependent Claims 65**

[0051] This claim ultimately depends upon independent claim 65. As discussed above, claim 65 is allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

## **Independent Claim 76**

[0052] Applicant submits that combination of Proehl and White does not teach or suggest at least the following elements as recited in this claim as presently amended (with emphasis added):

receive an indication of a viewer selection of a TV tag, the TV tag being rendered with other web-based content, the TV tag representing a particular television program, wherein the TV tag comprises a plurality of associated actions and an associated data element that upon selection a display of an input area is launched whereby users can indicate selection of at least one of the plurality of associated actions;

[0053] As discussed previously with regard to independent claim 1, the cited art fails to teach or suggest a TV tag that comprises at least in part “a plurality of associated actions” and “upon selection a display of an input area is launched whereby users can indicate selection of at least one of the plurality of associated actions” as presently claimed in claim 76. Applicant respectfully requests that the Examiner withdraw the rejection of independent claim 76.

### **Independent Claim 77**

[0054] Applicant submits that combination of White and Kandasamy does not teach or suggest at least the following elements as recited in this claim as presently amended (with emphasis added):

receive an indication of a viewer selection of a TV tag, the TV tag being rendered with other web-based content, the TV tag representing a particular television program, wherein the TV tag comprises a plurality of associated actions and an associated data element that upon selection a display of an input area is launched whereby users can indicate selection of at least one of the plurality of associated actions;

[0055] As discussed previously with regard to independent claim 1, the cited art fails to teach or suggest a TV tag that comprises at least in part “a plurality of associated actions” and “upon selection a display of an input area is launched whereby users can indicate selection of at least one of the plurality of associated actions” as presently claimed in claim 77. Applicant respectfully requests that the Examiner withdraw the rejection of independent claim 77.

### **Independent Claim 78**

[0056] Applicant submits that combination of Proehl and White does not teach or suggest at least the following elements as recited in this claim as presently amended (with emphasis added):

receive an indication of a viewer selection of a TV tag, the TV tag being rendered with other web-based content, the TV tag representing a particular television program, wherein the TV tag comprises a plurality of associated actions and an associated data element that upon selection a display of an input area is launched whereby users can indicate selection of at least one of the plurality of associated actions;

**[0057]** As discussed previously with regard to independent claim 1, the cited art fails to teach or suggest a TV tag that comprises at least in part “a plurality of associated actions” and “upon selection a display of an input area is launched whereby users can indicate selection of at least one of the plurality of associated actions” as presently claimed in claim 78. Applicant respectfully requests that the Examiner withdraw the rejection of independent claim 78.

### **Dependent Claims**

**[0058]** In addition to its own merits, each dependent claim is allowable for the same reasons that its base claim is allowable. Applicant requests that the Examiner withdraw the rejection of each dependent claim where its base claim is allowable.

## **Conclusion**

[0059] All pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application. If any issues remain that prevent issuance of this application, the **Examiner is urged to contact me before issuing a subsequent Action.** Please call or email me at your convenience.

Respectfully Submitted,

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